

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

MARKER VOLKL, USA, INC.

Plaintiff,

v.

Case No. 10-C-466

OUTDOOR OUTLET, LLC,

Defendant.

ORDER

On March 22, 2011 Defendant Outdoor Outlet, LLC (“Outdoor Outlet”) filed an expedited, non-dispositive motion under Civil Local Rule 7(h) seeking a extension of time to file its response to Plaintiff Marker Volkl USA, Inc.’s (“Marker Volkl”) motion for summary judgment. The parties recently stipulated that Outdoor Outlet’s response to the motion for summary judgment is due on March 28, 2011. (Dkt. 40.)

Despite this stipulation Outdoor Outlet asks for more time to respond. Outdoor Outlet wishes to take depositions of three Marker Volkl executives to support its response to the motion for summary judgment. Outdoor Outlet indicates that these executives may have information about Marker Volkl’s “actions, intentions, and motivations regarding its retailer relationship with Outdoor Outlet”. (Dkt. 41 at 2.) But these conclusory statements do not properly show why Outdoor Outlet needs to take the three depositions to “present facts *essential* to justify its opposition” to Marker Volkl’s motion for summary judgment. Fed. R. Civ. P. 56(d) (emphasis added). Put another way, Outdoor Outlet, as the party seeking additional time to respond to a motion for summary judgment

must show, via affidavit or declaration, specific reasons it needs more information in order to respond. *Id.* This it has not done. The affidavit attached to Outdoor Outlet's Civil L. R. 7(h) attaches a series of emails between counsel concerning scheduling of depositions but the affidavit does not explain with any precision what information Outdoor Outlet hopes to obtain via the depositions or exactly how such information would aid Outdoor Outlet in opposing summary judgment. *See Everson v. Leis*, 556 F.3d 484, 493 (6th Cir. 2009).

Accordingly, and for the reasons set forth above, Outdoor Outlet's motion for additional time (Dkt. 41) is **denied**.

Dated this 25th day of March, 2011.

s/ William C. Griesbach

William C. Griesbach

United States District Judge